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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT VERNON WOODS,

Petitioner,

v.

FERNANDO GONZALEZ, Acting Warden,

Respondent.

C 07-05185 CW (PR)

**ANSWER TO ORDER TO
SHOW CAUSE**

Respondent hereby provides this answer to the order to show cause why the petition for writ of habeas corpus should not be granted:

CUSTODY

Petitioner is lawfully in the custody of Fernando Gonzalez, Acting Warden of the California Correctional Institution in Tehachapi, California, as the result of a conviction in Santa Clara County Superior Court case number CC270577. Petitioner pled guilty to possession of cocaine base (Cal. Health & Saf. Code § 11350(b)), misdemeanor being under the influence of cocaine (Cal. Health & Saf. Code § 11350(a)), and misdemeanor possession of drug

1 paraphernalia (Cal. Health & Saf. Code § 11364), and admitted having five prior strike
2 convictions. After granting and revoking probation twice, the court sentenced petitioner to 25
3 years to life in state prison.

4 5 **GENERAL AND SPECIFIC DENIALS**

6 Respondent denies that the state court's ruling was contrary to, or involved an
7 unreasonable application of, clearly established federal law, as determined by the United States
8 Supreme Court, or was based on an unreasonable determination of the facts in light of the
9 evidence presented in the state court proceedings. Respondent specifically denies that petitioner
10 was deprived of due process at sentencing or that petitioner's sentence constitutes "cruel and
11 unusual punishment" under the Eighth Amendment.

12 13 **PROCEDURAL ISSUES**

14 Petitioner exhausted his claim in state court. His petition is timely.

15 16 **LODGED DOCUMENTS**

17 Respondent has lodged concurrently with this answer the following exhibits: (1) the
18 state court Clerk's Transcript; (2) the state court Reporter's Transcript; (3) Appellant's Opening
19 Brief; (4) Respondent's Brief; (5) Appellant's Reply Brief; (6) the unpublished opinion of the
20 California Court of Appeal, Sixth Appellate District; (7) Petition for Review; and (8) Denial of
21 Petition for Review. Respondent hereby incorporates by reference the accompanying
22 memorandum of points and authorities in support of this answer.

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CONCLUSION

WHEREFORE, respondent respectfully submits that the petition for writ of habeas corpus should be denied.

Dated: July 14, 2008

Respectfully submitted,

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